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9 INSTRUMENTS, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 NANOMETRICS INCORPORATED

15 Plaintiff,

16 v.

17 NOVA MEASURING INSTRUMENTS,
18 LTD., and NOVA MEASURING
INSTRUMENTS, INC.,

19 Defendants.
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Case No. C06-06318 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE DEFENDANTS'
ACCEPTANCE OF SERVICE OF
COMPLAINT AND EXTENSION OF
TIME TO RESPOND THERETO**

Honorable William H. Alsup
United States District Judge

[CIVIL L.R. 6-2 and 7-12]

STIPULATION

WHEREAS, plaintiff NANOMETRICS INCORPORATED ("Nanometrics") filed a complaint entitled NANOMETRICS INCORPORATED v. NOVA MEASURING INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC., Northern District of California (now numbered Case No. C06-06318 WHA) ("Complaint") on or about October 10, 2006;

WHEREAS, counsel for NOVA MEASURING INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC. (the "Nova Entities"), Sheppard, Mullin, Richter & Hampton, LLP (the "Nova Entities' Counsel") is willing accept service of the Complaint on behalf of the Nova entities subject to the grant of an extension of time for filing a response to the Complaint;

WHEREAS, Nanometrics is willing to give the Nova Entities an extension of time in which to respond to the Complaint to avoid the need to effect service of process on Nova Measuring Instruments, Ltd., in Israel;

WHEREAS, no previous extensions in which to respond to the Complaint have been requested;

WHEREAS, the requested time modification is not expected to affect the schedule for the case;

NOW, THEREFORE, PURSUANT TO LOCAL RULES 6-2 AND 7-12, IT IS HEREBY STIPULATED, BY AND BETWEEN THE PARTIES, THROUGH THEIR COUNSEL OF RECORD, THAT the Nova Entities' Counsel accepts service of the Complaint on behalf of the Nova Entities effective October 25, 2006, and the Complaint shall be deemed served on the Nova Entities as of that date, conditioned on the grant of an extension of time to file a response;

IT IS FURTHER STIPULATED THAT the Nova Entities shall have through and including Monday, December 11, 2006, to respond to the Complaint.

1 SO STIPULATED.

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3 Respectfully submitted:
4 DATED: November 2, 2006

5 SHEPPARD MULLIN RICHTER & HAMPTON LLP

6
7 By /s/Nathaniel Bruno

8 NEIL A. SMITH
9 DAVID SCHNAPF
10 NATHANIEL BRUNO

11 Attorneys for NOVA MEASURING INSTRUMENTS,
12 LTD. and NOVA MEASURING INSTRUMENTS,
13 INC.

14 Respectfully submitted:
15 DATED: November 2, 2006

16 BECK, ROSS, BISMONTE, & FINLEY, LLP

17
18 By /s/Craig Alan Hansen

19 JUSTIN T. BECK
20 RON C. FINLEY
21 ALFREDO A. BISMONTE
22 JEREMY M. DUGGAN
23 CRAIG ALAN HANSEN

24 Attorneys for NANOMETRICS INCORPORATED
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SIGNATURE ATTESTATION

As the attorney e-filing this document, I hereby attest that opposing counsel (Beck, Ross, Bismonte, & Finley, LLP) has concurred in this filing.

Respectfully submitted:
DATED: November 2, 2006

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/Nathaniel Bruno

NEIL A. SMITH
DAVID SCHNAPF
NATHANIEL BRUNO

Attorneys for NOVA MEASURING INSTRUMENTS,
LTD. and NOVA MEASURING INSTRUMENTS,
INC.

ORDER

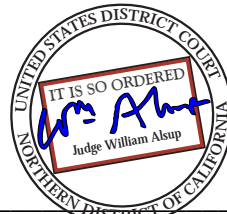
In accordance with the above Stipulation of the parties which is incorporated herein by reference, and with good cause appearing therefor, the Court orders as follows:

1. IT IS HEREBY ORDERED THAT NOVA MEASURING INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC. are deemed served with the complaint of NANOMETRICS INCORPORATED in Northern District Case No. C06-06318 WHA (the "Complaint") as of October 25, 2006.

2. IT IS FURTHER ORDERED THAT NOVA MEASURING INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC. shall have through and including Monday, December 11, 2006, to respond to the Complaint.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 6, 2006



The Honorable William H. Alsup
United States District Judge